

## **II. REMARKS/ARGUMENTS**

Claims 1-31 remain in the application.

Please reconsider the application in view of the amendments and the following remarks:

### **A. Response to Rejection of Claims 1 to 5, 7, 8 and 10 to 12 under 35 U.S.C. § 102(b)**

Claims 1-5, 7, 8, and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Green, U.S. Patent No. 3,730,524. Green '524 was cited for the basis that it depicts a dummy horse and at least one ball-receiving surface adjacent to the dummy horse, where the ball-receiving surface is displaceable with respect to the dummy horse.

In response, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Amended claim 1 of the present application now recites a "movable" ball receiving surface adjacent to and below the dummy horse. Since the ball-receiving surface of Green '524 is stationary, and not moving, and Green '524 does not disclose a movable ball-receiving surface, Green '524 fails to describe each and every element of claim 1. As such, the disclosure of Green '524 does not anticipate claim 1 of the present application and therefore should be removed as a basis for the rejection of claim 1. Since claims 4-5, 7, 8, and 10 – 12 all depend from claim 1, either directly or indirectly, Green '524 should be removed as a basis for the rejection of these claims as well.

### **B. Response to Rejection of Claims 17 to 19 under 35 U.S.C. § 102(b)**

Claims 17 – 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Greenwood U.S. Patent No. 5,429,515. Greenwood '515 was cited for disclosing a training apparatus comprising a dummy horse having a

substantially rigid frame and a body portion pivotally mounted on the frame, whereby the body portion can pivot from side to side.

Claim 17 as amended recites a polo training apparatus including a dummy horse having a pivotally mounted neck portion extending from the pivotally mounted body portion and a pivotally mounted head extending from the neck portion. In contrast, the apparatus of Greenwood '515 does not disclose a dummy horse having a pivotally mounted body portion. Since the horse riding training apparatus of Greenwood '515 does not include a pivoting body portion, Greenwood '515 does not contain within its teachings all of the elements of claim 17. For this reason it is respectfully urged that Greenwood '515 cannot support the rejection of claim 17 under 35 U.S.C. § 102(b) and should be removed as a basis for such a rejection. Claims 18 and 19 being dependent on claim 17, the rejection of those claims based on Greenwood '515 under 35 U.S.C. § 102(b) should be removed as well.

**C. Response to Rejection of Claims 24 to 26 under 35 U.S.C. § 102(b)**

Claims 24 – 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Greenwood '515. In response, claim 24 has been amended to recite a polo training apparatus including a dummy horse having a pivotally mounted neck portion extending from the pivotally mounted body portion and a pivotally mounted head extending from the neck portion. As previously noted, Greenwood '515 does not consider a dummy horse with a pivotally body, and thus does not contain all of the elements of now amended claim 24. Therefore Greenwood '515 should be removed as a basis for the rejection of claim 24 under 35 U.S.C. § 102(b). It follows that the rejection of the claims 25 and 26 under 35 U.S.C. § 102(b) under Greenwood '515 should be removed as well since those claims are dependent upon claim 24.

**D. Response to Rejection of Claims 9 and 13 under 35 U.S.C. § 103(a)**

Claims 9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Green '524 in view of Shanley U.S. Patent No. 2,169,663. Shanley '663 was cited as showing a polo pony having a ball and an arm attached to the side of a pony, wherein when the player strikes the ball with a mallet the pony is energized to simulate the gallop of a live pony. Based on this claim 9 was rejected as it was concluded that it would have been obvious in view of Shanley '663 to have provided a dummy horse that could stimulate movements of a real pony in order to make a game more realistic. Claim 13 was rejected based on the assertion that it would have been obvious to add a motor to the device of Green '524 thereby requiring only routine skill in the art to arrive at the claimed invention.

In response, to sustain a rejection under 35 U.S.C. § 103(a) a prima facie case of obviousness must be established. M.P.E.P. § 2142. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. *Id.*

Claims 9 and 13, which both indirectly depend from claim 1 contain the claim limitation of a movable ball-receiving surface. As previously noted, Green '524 does not teach or suggest a movable ball-receiving surface. Similarly, Shanley '663 also fails to address a movable ball-receiving surface. Instead Shanley '663 focuses on the mechanical motions of toys and the features of such an apparatus. Accordingly combining Green '524 and Shanley '663 fails to teach or suggest all of the claim limitations of claims 9 or 13, thus these references cannot sustain a rejection under 35 U.S.C. § 103(a). It is therefore respectfully

requested that both Green '524 and Shanley '663 be removed as a basis for the rejection of claims 9 and 13 under 35 U.S.C. § 103(a).

**E. Response to Rejection of Claims 14 to 16 under 35 U.S.C. § 103(a)**

Claims 14 – 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Green '524 in view of Eden et al. U.S. Patent No. 6,093,109. Green '524 was cited as showing the game apparatus for use by two opposing teams for use within a game area and permitting the game area to be quickly converted for other recreational purposes. While it was acknowledged in the Office Action that Green '524 does not disclose the specifics of a game area, it was urged that it was well known for playing fields to have a peripheral enclosure and that such an enclosure could be a cage or a net that defines the playing area and limits the ball travel. Eden et al. '109 was cited as showing a recreational playing area with a limiting and defining enclosure. Based on these assertions, it was found to be obvious to position the apparatus of Green '524 within the game area of Eden et al. '109.

In response, claims 14 and 15 depend directly from claim 1 and claim 16 indirectly depends from claim 1. As previously noted claim 1 includes a movable ball surface that is not disclosed in Green '524. Furthermore, Eden et al. '109 involves a roller-cross type rink design where the ball-receiving surface is clearly stationary and not considered or suggested to be movable. Thus combining Green '524 with Eden et al. '109 does not teach each and every element of claims 14, 15, or 16. As such Green '524 and Eden et al. '109 are not proper references to support the rejection of claims 14 – 16 under 35 U.S.C. § 103(a). It is therefore respectfully requested that these references be removed as a basis for the rejection of these claims.

**F. Response to Rejection of Claims 20 to 23 and 27 to 31 under 35**  
**U.S.C. § 103(a)**

Claims 20 – 23 and 27 – 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Greenwood '515 in view of Nakada JP 405 076 658 and Roland FR 2 670 127. Greenwood '515 Nakada JP and Roland FR were cited as providing a basis for finding the pressure sensors of claims 20 and 21 obvious.

Based on the disclosure of Greenwood '515 having a display to indicate whether a rider is whipping in the correct area, claim 22 of the present application was rejected as it was asserted that a display means to indicate a rider's correct posture would be obvious. Claim 23 was rejected based on the assertion that Greenwood '515 includes display means that comprise lights.

Claims 27 and 28 were rejected on the assertion that Nakada JP and Roland FR illustrated pressure point areas on the feet, knee, and/or hand area of a rider, and thus it would be obvious to having pressure point areas for a rider to control and maneuver a horse. Similar reasoning was used to reject claims 29 – 31.

In response, claims 20 – 23 and 27 – 31 all depend, either directly or indirectly, from claim 17. As previously noted, claim 17 specifically recites a pivotally mounted neck portion extending from the pivotally mounted body portion and a pivotally mounted head extending from the neck portion. However, none of the cited documents referenced to support a rejection of claims 20 – 23 and 27 – 31 teach, suggest, or disclose a polo training apparatus having a pivoting body. Accordingly it is respectfully requested that Greenwood '515, Nakada JP, and Roland FR be removed as a basis for the rejection of these claims.

**III. SUMMARY**

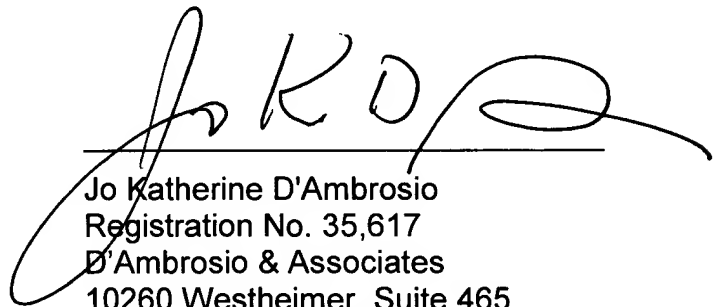
Applicant has responded to the rejection of claims 1-5 and 7-31 based on §102 and/or §103. Regarding the 102 rejection, Green '524 does not disclose a movable ball-receiving surface. There is no basis for a rejection based on novelty since Applicant's invention comprises elements and features that are neither taught nor suggested by Green.

Regarding the rejection based on §103, neither Green '524 nor Greenwood '515 either alone or in combination with the additional cited references, teach or suggest all of the elements and features of Applicant's invention as claimed. There is no valid basis for the rejection of claims under §103. It is believed that the foregoing response is full and complete.

Claims 1-31 remain pending in the application. Early allowance of these claims is respectfully requested.

Applicant respectfully requests a telephone conference with Examiner if Claims 1-31 are not allowed.

Respectfully submitted,



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